

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
501 "I" Street
Sacramento, CA 95814

E-filing

USDC Northern District of CA
P.O. Box 36060
San Francisco, CA 94102

CV 07

6292

PJH

(PR)

RE: FRANK A. SANCHEZ vs. DIRECTOR OF CORRECTIONS
USDC No.: 2:07-CV-02524-GEB-DAD

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated December 07, 2007, transmitted herewith are the following documents.

Electronic Documents: 1 to 4.

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

December 7, 2007

/s/ A. Kastilahn

Deputy Clerk

RECEIVED BY:

Please Print Name

DATE RECEIVED:

NEW CASE
NUMBER:

CLOSED, HABEAS

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:07-cv-02524-GEB-DAD
Internal Use Only**

(HC) Sanchez v. Director of Corrections, et al
Assigned to: Judge Garland E. Burrell, Jr
Referred to: Magistrate Judge Dale A. Drozd
Cause: 28:2254 Petition for Writ of Habeas Corpus
(State)

Date Filed: 11/26/2007
Date Terminated: 12/07/2007
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner

Frank A. Sanchez

represented by **Frank A. Sanchez**
K-47653
CA Substance Abuse Treatment
Facility
CSATF
P. O. Box 7100
Corcoran, CA 93212
PRO SE

V.

Respondent

**Director of Corrections
S.A.T.F.**

Respondent

Jerry Brown
Attorney of the State of CA

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.

ATTEST: **VICTORIA C. MINOR**

Clerk, U. S. District Court
Eastern District of California

By *a. Kas*
Deputy Clerk

Dated 12/7/07

Date Filed	#	Docket Text
11/26/2007	<u>1</u>	PETITION for WRIT of HABEAS CORPUS by Frank A. Sanchez. (Marciel, M) (Entered: 11/27/2007)
11/26/2007	<u>2</u>	APPLICATION to Proceed IFP by petitioner Frank A. Sanchez. (Marciel, M) (Entered: 11/27/2007)

11/27/2007	●3	PRISONER NEW CASE DOCUMENTS ISSUED (Attachments: # 1 Consent Forms) (Marciel, M) (Entered: 11/27/2007)
11/27/2007	●	SERVICE BY MAIL: 3 Prisoner New Case Documents for GEB served on petitioner Frank A. Sanchez. (Marciel, M) (Entered: 11/27/2007)
12/07/2007	●4	ORDER signed by Judge Dale A. Drozd on 12/6/07 ORDERING that this court has not ruled on petitioner's ifp appl; and CASE is TRANSFERRED to the Northern District of CA. Transmittal letter, certified copy of transfer order, and docket sheet sent. CASE CLOSED (Kastilahn, A) (Entered: 12/07/2007)
12/07/2007	●	SERVICE BY MAIL: 4 Order Transferring Case Out to Another District, served on Frank A. Sanchez. (Kastilahn, A) (Entered: 12/07/2007)
12/07/2007	●5	TRANSMITTAL of DOCUMENTS on *12/7/2007* to * USDC Northern District of CA* *P.O. Box 36060* *San Francisco, CA 94102*. ** *Electronic Documents: 1 to 4. *. (Kastilahn, A) (Entered: 12/07/2007)

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.

ATTEST: **VICTORIA C. MINOR**

Clerk, U. S. District Court
Eastern District of California

By A. Kas Deputy Clerk

Dated 12/7/07

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK A. SANCHEZ,

Petitioner,

No. CIV S-07-2524 GEB DAD P

vs.

DIRECTOR OF CORRECTIONS, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

The application attacks a conviction issued by the Santa Clara County Superior Court. While both this Court and the United States District Court in the district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of petitioner's application are more readily available in Santa Clara County. Id. at 499 n.15; 28 U.S.C. § 2241(d).

Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner's application to proceed in forma pauperis; and

1 2. This matter is transferred to the United States District Court for the Northern
2 District of California.

3 DATED: December 6, 2007.

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5 
6 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

7 DAD/bb
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MIME-Version:1.0
From:caed_cmecf_helpdesk@caed.uscourts.gov
To:caed_cmecf_nef@localhost.localdomain
Bcc:caed_cmecf_dad@caed.uscourts.gov,
caed_cmecf_geb@caed.uscourts.gov
Message-Id:<2001690@caed.uscourts.gov>
Subject:Activity in Case 2:07-cv-02524-GEB-DAD (HC) Sanchez v.
Director of Corrections, et al Order
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** There is no charge for viewing opinions.**

U.S. District Court

Eastern District of California - Live System

Notice of Electronic Filing

The following transaction was entered on 12/7/2007 at 9:10 AM PST and filed on 12/7/2007

Case Name: (HC) Sanchez v. Director of Corrections, et al

Case Number: 2:07-cv-2524

Filer:

WARNING: CASE CLOSED on 12/07/2007

Document Number: 4

Docket Text:

ORDER signed by Judge Dale A. Drozd on 12/6/07 ORDERING that this court has not ruled on petitioner's ifp appl; and CASE is TRANSFERRED to the Northern District of CA. Transmittal letter, certified copy of transfer order, and docket sheet sent. CASE CLOSED (Kastilahn, A)

2:07-cv-2524 Electronically filed documents will be served electronically to:

2:07-cv-2524 Electronically filed documents must be served conventionally by the filer to:

Frank A. Sanchez
K-47653
CA Substance Abuse Treatment Facility
CSATF
P. O. Box 7100

Corcoran, CA 93212

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1064943537 [Date=12/7/2007] [FileNumber=2001688-0
] [9f7c95bb059deb7430f8fbacdffda26612c3129ba43d256763b7fc79bb74151cd3
 ffece02460680434a8706f3b4f2dfde6cfd4d1dc1bff68d7ed8d7887219fa]]

AO 241 (Rev. 5/85)

E-filing

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court

District

U.S. DISTRICT COURT EASTERN DISTRICT OF CAL.

Name

FRANK A. SANCHEZ.

Prisoner No.

K-47653

Case No.

CC111849

Place of Confinement

2:07 PM 12/24/07 GEB DAD (HC)

FRANK ANTHONY SANCHEZ

THE DIRECTOR OF CORRECTIONS - S.A.T.F.

Name of Petitioner (include name under which convicted)

Name of Respondent (authorized person having custody of petitioner)

JERRY BROWN, STATE OF CALIFORNIA

The Attorney General of the State of:

FILED

NOV 26 2007

PETITION

U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY PR DEPUTY CLERK

1. Name and location of court which entered the judgment of conviction under attack

SANTA CLARA

COUNTY SUPERIOR COURT - 191 NORTH FIRST STREET, SAN JOSE, CA 95113

2. Date of judgment of conviction

6-20-03

3. Length of sentence

11yrs - 4 months

4. Nature of offense involved (all counts)

① P. 245(C) ② V23153(A) ③ P 417.8

④ V-2800.2 - V20001(CB) 1 HIT AND RUN - P-12021 POSS F/A EXFEL -

P-12316 (B) 3 POSS AMMO BY EXFELON - P-12090

ALX / F/A MARK -

5. What was your plea? (Check one)

(a) Not guilty ☐(b) Guilty ☒(c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☐(b) Judge only ☐

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court SUPERIOR COURT, 161 NORTH FIRST STREET SAN JOSE, CA 95113
COURT OF APPEALS OF STATE CA. SIXTH APPELLATE DISTRICT.

(b) Result RECEIVED JUDGMENT AND AMENDS CTS AS A RESULT OF A REMITTITUR

(c) Date of result and citation, if known 4-29-05

(d) Grounds raised DID NOT RECEIVE ALL MY CREDIT'S AT SENTENCING.

ALSO BROUGHT UP THE ENHANCEMENTS AND CONSECUTIVE SENTENCING

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court COURT OF APPEALS OF STATE CA. SIXTH DISTRICT.

(2) Result DENIED MY APPEAL FOR CONSECUTIVE SENTENCE ON

COUNTS - V-23153(A) DUI/BOD INJ AND 417.8 -

(3) Date of result and citation, if known AUG-30-2006

(4) Grounds raised THE VIOLATION OF A CRIMINAL DEFENDANTS

CONSTITUTIONAL RIGHTS SEE - CHAPMAN CAL - 1967 -

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court -

(2) Result -

(3) Date of result and citation, if known -

(4) Grounds raised -

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following

information:

(a) (1) Name of court CALIFORNIA SUPREME COURT ^{PETITION} No: S139211

(2) Nature of proceeding PETITION FOR WRIT OF HABEAS CORPUS

THE TRIAL COURT IMPOSED AN ILLEGAL ENHANCEMENT

(3) Grounds raised MR. SANCHEZ WAS DEPRIVED OF HIS STATE AND

FEDERAL CONSTITUTIONAL RIGHTS TO A JURY TRIAL.

AO 241, (Rev. 5/85)

AND THE PROCESS WHEN THE TRIAL COURT IMPOSED
CONSECUTIVE SENTENCES BY RELYING ON AGGRAVATING
FACTORS FOUND TRUE NEITHER BY JURY COUNTS - V-23153(A) - 417.8

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result —

(6) Date of result —

(b) As to any second petition, application or motion give the same information:

(1) Name of court —

(2) Nature of proceeding —

(3) Grounds raised —

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐ —

(5) Result —

(6) Date of result —

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

I DID FILE OUT A APPEAL - WITH SIXTH
DISTRICT OF CALIFORNIA, AND TO STATE
SUPREME COURT OF CALIFORNIA.

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: CONVICTION OBTAINED BY PLEA OF GUILTY WHICH WAS UNLAWFULLY INDUCED WITH UNDERSTANDING OF CONSEQUENCES OF PLEA

Supporting FACTS (state briefly without citing cases or law) THE COURT DID NOT EXPLAIN

THAT I WOULD RECEIVE A EXTRA 3 YEARS 4 MONTHS AS A RESULT OF A CONSECUTIVE SENTENCES ON TOP OF A PROP 8 ENHANCEMENT 5 YRS AND DOUBLE UP STRIKE AND 80% PERCENT. THIS IS ALSO DOUBLE JEOPARDY ALL THIS UNDER WENT WAY BEYOND THE ORIGINAL PLEA BARGAIN. SEE NEW CUNNINGHAM -

B. Ground two: CONVICTION OBTAINED BY A VIOLATION OF THE PROTECTION AGAINST DOUBLE JEOPARDY.

Supporting FACTS (state briefly without citing cases or law): MY PLEA BARGAIN

WAS THAT I WOULD NOT RECEIVE A EXTRA 3 YRS 4 MONTHS ADDED IT WAS TO BE RAN CONCURRENT WITH MY BASE TERM AND PROP 8 ENHANCEMENT. ORIGINAL DEAL - 4 YRS DOUBLED UP X TO .8 YRS - + 5 YEARS PROP 8 = 13 YRS NOT 16 YRS - 4 MONTHS 3 YRS 4 MONTHS ADDED ON TO MAKE OUT 16 YRS 4 MONTHS UNJUST JUDGMENT. CRUEL AND UNUSUALLY PUNISHMENT.

C. Ground three: I - DENIAL OF EFFECTIVE ASSISTANCE OF COUNSEL HE TRUCKED ON MY CASE.

Supporting FACTS (state briefly without citing cases or law): TASKED ON RECORD DATE - 11-2-08 FOR NEW LAWYER. THE JUDGE DENIED ME. SANTA CLARA COURT ROOM - 13 - DUE TO FACT LAWYER DID NOT EXPLAIN, OR SEND OUT INVESTIGATORS TO HELP BATHER EVIDENCE TO PROVE MY INNOCENCE. TOTAL TERM - GREATER THAN TWICE THE BASE - RAIL ROAD.

D. Ground four: ISSUE AN ORDER "CVR" FOR RECONSIDERATION IN LIGHT OF CUNNINGHAM AMENDMENT RIGHT TO JURY ON CONSECUTIVE SENTENCES UNDER CUNNINGHAM / BLAKELY / APPEND 1.

Supporting FACTS (state briefly without citing cases or law):

UNDER CUNNINGHAM MY CASE WAS I RECEIVED THE UPPER TERM - CONSECUTIVE SENTENCING AND ENHANCEMENTS ON TOP OF A DOUBLE UP BECAUSE OF STRIKES - NOW THIS IS UNJUST AND PLAIN IN SIMPLE I WOULD LIKE A REVIEW OF MY CASE AND IT BE LOWERED BY THE HIGHER COURT.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: MIST LEGAL

MINDS BELIEVE IT UNLIKELY THE USSC WILL APPLY THE BLAKELY/APPEND 1/CUNNINGHAM LINE OF CASES TO CONSECUTIVE SEN. HOWEVER THE ARGUMENT CONSECUTIVE SEN INCREASE PUNISHMENT SO DEFENDANT HAS RIGHT TO A JURY TRIAL

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing MELVIN L. EMERICH COUNSELOR AT LAW -

95 SOUTH MARKET ST. THIRD FLOOR SAN JOSE, CA 95113 -

(b) At arraignment and plea MELVIN L. EMERICH. SAME AS ABOVE.

(7)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Victoria C. Minor
Clerk of Court

Office of the Clerk
501 "I" Street
Sacramento, CA 95814

Divisional Office
2500 Tulare Street
Fresno, CA 93721

November 27, 2007

Case Number: 2:07-CV-02524-GEB-DAD

Case Title: FRANK A. SANCHEZ, vs. DIRECTOR OF CORRECTIONS,

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include the complete case number on all documents sent to the court for filing in this case. Failure to do so results in delayed processing of your documents.

All matters in this action shall be sent to the following address until further notice:

Office of the Clerk
United States District Court
Eastern District of California
501 "I" Street , Suite 4-200
Sacramento, CA 95814

For timely processing of your pleadings or correspondence, please comply with our Local Rules of Court, in particular:

Local Rule 5-133 The court requires an original plus one copy of each document sent for filing. If you desire to receive a conformed copy for your records, you must send an original and two copies of your document and a pre-addressed postage-paid envelope for us to return your copy to you.

Local Rule 5-135 Once the defendant(s) have served a responsive pleading, you are under an ongoing duty to serve them with copies of all documents you submit to the court. A proof of service shall be attached to the original of any document lodged or filed with the court, showing the date, manner and place of service. A sample proof of service is attached.

Local Rule 7-130 Documents submitted to the court must be legible, on 8-1/2 " x 11" paper, with writing on one (1) side of the page only. Each separate document must be stapled at the top left corner and pre-punched with two (2) holes centered 2-3/4" apart, 1/2" from the top edge of the page. Each page should be numbered consecutively at the bottom.

Local Rule 7-132 Every document submitted to the court must include your name, address and prisoner identification number in the upper left hand corner of the first page. The caption on the first page must include the title of this court, the title of the action, the case number assigned to this action (including all initials and letters that follow the number), and the title of your document. If you are pursuing more than one action in this court, you must submit a separate original document and the appropriate number of copies for each action in which you want the document filed.

Local Rule 6-142 A request for extension of time must state the reason an extension is needed. A request for extension of time should be filed before the deadline in question.

Local Rules 30-250, 33-250, 34-250 and 36-250 Discovery requests or responses should not be submitted to the court unless they are relevant and necessary to support or oppose a motion at issue before the court.

Local Rule 83-182 Each party appearing in propria persona is under a continuing duty to notify the Clerk and all other parties of any change of address.

Other Provisions:

Request for Case Status The court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRES REGARDING THE STATUS OF YOUR CASE. As long as you keep the court apprised of your current address, you will receive all court decisions which might affect the status of your case.

Copy Work The Clerk's Office does not provide copies of documents to parties. Copies of documents may be obtained from Attorney's Diversified Service (ADS) by writing to them at: 1424 21st Street, Sacramento, CA 95814, or by phoning 916-441-4396 or 916-441-4466. The court will provide copies of docket sheets at \$0.50 per page. **Note: In Forma Pauperis** status does not include the cost of copies.

Victoria C. Minor
Clerk of Court
United States District Court

by: /s/ M. Marciel
Deputy Clerk

The following is a sample Proof of Service. Pursuant to Rule 5 of the F.R.Cv.P. and Local Rule 5-135, each document filed after the court orders service in your case shall be served on opposing counsel and a proof of service attached to your document filed with the court.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

(Case Title) _____

Plaintiff or Petitioner

V.

Case Number: 2:99-CV-99999 ABC DFG
(example case no.)

Defendant or Respondent

SAMPLE PROOF OF SERVICE

/

I hereby certify that on (Date) _____, I served a copy
of the attached (Title of Document Served and Filed) _____,
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the United States Mail at (Location of Mailing) _____:

(List Name and Address of Each Defendant or Attorney Served)

I declare under penalty of perjury that the foregoing is true and correct.

(Name of Person Completing Service)

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE
TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 73-305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case dispositive jurisdiction and to conduct any or all case despositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent to pursuant to 28 U.S.C. § 636(c) the assigned Magistrate Judge will hear all motions except those case dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at www.caed.uscourts.gov for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk
501 I Street, Room 4-200
Sacramento, CA 95814

Office of the Clerk
2500 Tulare Street , Suite 1501
Fresno, CA 93721

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK A. SANCHEZ,
Plaintiff(s)/Petitioner(s),

vs.

CASE NO. **2:07-CV-02524-GEB-DAD**

DIRECTOR OF CORRECTIONS,
Defendant(s)/Respondents(s).

IMPORTANT

**IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.**



**CONSENT TO JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____



**DECLINE OF JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent

() Counsel for * _____

**If representing more than one party, counsel must indicate name of each party responding.*